

Substituted by the House on motion of Mr. Hogan of Everett, for a House report of the committee on Public Safety, ought not to pass, on petitions for legislation to prohibit the sale of certain firearms and restricting the use of certain handguns known as Saturday night specials [based on petitions of Louis R. Nickinello and another, accompanied by bill, House, No. 662; and Edward J. Markey, accompanied by bill, House, No. 4678]. April 3.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Five.

### AN ACT PROHIBITING THE SALE OF CERTAIN FIREARMS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 140 of the General Laws is hereby  
2 amended by striking out section 121, as most recently amended  
3 by section 1 of chapter 892 of the acts of 1973, and inserting in  
4 place thereof the following section: —

5 *Section 121* In sections one hundred and twenty-two to one  
6 hundred and thirty-one F, inclusive, the word "firearm" shall  
7 mean a pistol, revolver or other weapon of any description,  
8 loaded or unloaded, from which a shot or bullet can be  
9 discharged and of which the length of barrel is less than sixteen  
10 inches or eighteen inches in the case of a shotgun. The words  
11 "length of barrel" shall mean that portion of a firearm, rifle,  
12 shotgun, or machine gun, through which a shot or bullet is  
13 driven, guided or stabilized, and shall include the chamber. The  
14 words "basic structural components" as used therein shall mean  
15 any or all of the following single parts, including a permanent  
16 assembly forming such single part: frame, barrel, chamber, slide  
17 and breechblock. A "machine gun" is a weapon of any  
18 description, by whatever name known, loaded or unloaded, from  
19 which a number of shots or bullets may be rapidly or  
20 automatically discharged by one continuous activation of the  
21 trigger, and includes a submachine gun. The term "ammunition"

22 shall mean cartridges or cartridge cases, primers (igniter), bullets  
23 or propellant power designed for use in any firearm, rifle or  
24 shotgun. The term "ammunition" shall also mean tear gas  
25 cartridges, chemical mace, or any device or instrument which  
26 contains or emits a liquid, gas, powder, or any other substance  
27 designed to incapacitate. The words "purchase" and "sale" shall  
28 include exchange; the word "purchaser" shall include exchanger;  
29 and the verbs "sell" and "purchase", in their different forms and  
30 tenses, shall include the verb exchange in its appropriate form  
31 and tense, and the term "gunsmith" as used in this chapter shall  
32 mean and include any person who engages in the business of  
33 repairing, altering, cleaning, polishing, engraving, blueing or  
34 performing any mechanical operation on any firearm, rifle,  
35 shotgun or machine gun. The word "conviction" shall mean a  
36 finding or verdict of guilt, or a plea of guilty whether or not final  
37 sentence is imposed. "Licensing Authority" shall mean the chief  
38 of police or the board or officer having control of the police in a  
39 city or town, or persons authorized by them.

40 Where the local licensing authority has the power to issue  
41 licenses or cards under this chapter, but no such authority exists,  
42 any resident or applicant may apply for such license or firearm  
43 identification card directly to the commissioner of the department  
44 of public safety and the commissioner shall for this purpose be  
45 the licensing authority.

46 Sections one hundred and twenty-two to one hundred and  
47 twenty-nine D, inclusive, and sections one hundred and thirty-  
48 one A, one hundred and thirty-one B and one hundred and thirty-  
49 one E shall not apply to (a) any firearm, rifle, or shotgun,  
50 including any firearm, rifle, or shotgun with matchlock, flintlock,  
51 percussion cap, or similar type of ignition system manufactured  
52 in or before eighteen hundred and ninety-eight; (b) any replica, or  
53 any firearm, rifle, or shotgun, described in clause (a) if such  
54 replica (i) is not designed or redesigned for using rimfire or  
55 conventional centerfire fixed ammunition, or (ii) uses rimfire or  
56 conventional centerfire fixed ammunition which is no longer  
57 manufactured in the United States and which is not readily  
58 available in the ordinary channels of commercial trade; and (c)  
59 manufacturers or wholesalers of firearms, rifles, shotguns or  
60 machine guns.

1 SECTION 2. Section 12 of Chapter 269 as most recently  
2 amended, is hereby further amended by adding after the first  
3 paragraph, a second paragraph as follows:—

4 No person shall manufacture, cause to be manufactured, sell or  
5 offer for sale to any person any pistol, revolver or other weapon  
6 of any description, loaded or unloaded, from which a shot or  
7 bullet can be discharged, of which the length of barrel not  
8 including the chamber, is three inches or less, and of which the  
9 caliber is thirty-two one hundredths or less and of which the basic  
10 structural components are made of any material having liquidus  
11 melting point of nine hundred degrees Fahrenheit or less, or an  
12 ultimate tensile strength of less than fifty-five thousand pounds  
13 per square inch, or in the case of powdered metal, having a  
14 density of less than seven and one half grams per cubic  
15 centimeter.

16 Whoever violates any provision of the second paragraph of this  
17 section shall be punished by confinement in jail or house of  
18 correction for not more than two and one half years, or by a fine  
19 of not more than five hundred dollars. Upon conviction of a  
20 violation of this section, the firearm or other article shall, unless  
21 otherwise ordered by the Court, be confiscated by the Com-  
22 monwealth. The firearm or article so confiscated shall, by the  
23 authority of the written order of the Court be forwarded by  
24 common carrier to the Commissioner of Public Safety, who,  
25 upon receipt of the same, shall notify said Court or Justice  
26 thereof. Said Commissioner shall destroy the same. The  
27 commissioner of public safety shall cause to be published  
28 annually a list of any weapons described in Section 12 of Chapter  
29 269 of the Massachusetts General Laws.

The first part of the report is devoted to a general description of the country, its position, and its resources. It is followed by a detailed account of the various districts, and the manner in which they are governed. The author then proceeds to describe the different tribes and nations, and the manner in which they are organized. He then discusses the various religions and customs of the country, and the manner in which they are practiced. The report concludes with a summary of the various points mentioned, and a list of the names of the various districts and tribes.